

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

Criminal Case No. **11-CR-20558**

Civil Case No. **13-CV-14768**

Honorable Mark A. Goldsmith

MARIO DEAILLO WATKINS,

Defendant.

ORDER DIRECTING FILING OF ANSWER TO MOTION TO VACATE SENTENCE

This matter is before the Court on the Defendant Mario Deaillo Watkins' motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence (dkt. #74).

Under Rule 3(d) of the Rules Governing § 2255 Proceedings, the defendant filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on November 8, 2013. The Court has reviewed the defendant's motion, and it does not "plainly appear from the face of the motion . . . that the movant is not entitled to relief." Rules Governing § 2255 Proceedings, Rule 4(a). Therefore, the Court will direct the government to file an answer to the motion.

Accordingly, it is ORDERED that the government shall file an answer to the motion in accordance with Rule 5 of the Rules Governing Section 2255 Proceedings on or before January 21, 2014. **The Government is directed NOT to file a motion to dismiss. Any arguments for dismissal shall be made in the response to the motion.**

SO ORDERED.

Dated: November 19, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 19, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager